

**IN THE UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )                              No. 3:06-CR-141  
                                )                              (PHILLIPS/SHIRLEY)  
MURPHY JOSEPH KING,     )  
                                )  
Defendant.                 )  
                                )

**ORDER**

On May 21, 2007, the Honorable C. Clifford Shirley, United States Magistrate Judge, filed a 29-page Report and Recommendation (R&R) [Doc. 21] in which he recommended that defendant's motion to suppress evidence [Doc. 9] be denied. This matter is presently before the Court on defendant's timely objections to the R&R [See Doc. 24].

The defendant's objections essentially include argument that the arrest warrant was not valid, that Officer Randy Holt, Jr.'s testimony was not completely credible, that the magistrate judge should have found the testimony of the defendant's wife credible, that a warrantless entry of the defendant's home was unconstitutional, and that there was no basis for seizing the long guns from the gun cabinet.

As required by 28 U.S.C. § 636(b)(1), the Court has now undertaken a *de novo* review of those portions of the R&R to which the defendant objects. After doing so, the

Court readily concludes that Magistrate Judge Shirley has thoroughly and correctly analyzed the legal issues presented in defendant's motion to suppress. Thus, any further detailed comment by the Court is unnecessary and would be repetitive.

In sum, the Court finds that the officers obtained a valid arrest warrant and that the officers had reasonable suspicion to conduct a protective sweep as they believed the defendant, who had reportedly stabbed and shot his brother, was inside the home. Furthermore, the officers were lawfully in position to see the firearms and the incriminating nature of the firearms was immediately apparent under the circumstances.

Accordingly, defendant's objections [Doc. 24] is hereby **OVERRULED** in their entirety, whereby the R&R is **ACCEPTED IN WHOLE**. Thus, defendant's motion to suppress evidence [Doc. 9] is hereby **DENIED**.

**ENTER:**

s/Thomas W. Phillips  
UNITED STATES DISTRICT JUDGE